

RESPONSE UNDER 37 C.F.R. § 1.111 *Attorney Docket No.: Q88775*
U.S. Appln. No.: 10/540,563

REMARKS

Claims 1–7 have been examined and are all the claims pending in the application.

Formal Matters

Applicant thanks the Examiner for reviewing and initialing the Information Disclosure Statements dated May 10, 2007, September 25, 2006, and June 24, 2005. Applicant also thanks the Examiner for accepting the drawings and acknowledging the claim of foreign priority.

Allowed Subject Matter

Applicant thanks the Examiner for indicating claim 7 would be allowed if it was rewritten in independent form to incorporate the features of the base claim 5.

Claim Rejections -- 35 U.S.C. § 102(e)

Claims 1–6 as stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by United States patent 7,224,510 by Kitano *et. al.* (hereinafter “Kintano”). Applicant respectfully disagrees with the availability of Kitano as a reference under 102(e), as Kitano is a national stage (35 U.S.C. § 371) of an International Application filed after November 29, 2000, and was not published in English under PCT Article 21(2).

Specifically, the Kitano PCT application was filed November 21, 2002 (PCT/JP2002/012185). The PCT publication occurred on May 30, 2003, in Japanese

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(WO/03/044596). The 35 U.S.C. § 371(c) fulfillment of Kitano occurred October 27, 2004. Publication by the USPTO under 35 U.S.C. 122(b) occurred on March 10, 2005, and the US patent issued on May 29, 2007.

Under MPEP § 706.02(f)(1) (*see e.g.*, example 5 and accompanying explanation), such a reference may be not be applied under 102(e). Accordingly, Applicant respectfully requests the Examiner to withdraw the rejection.

Priority

Applicant is submitting certified English translations of Japanese Application 2002-371,995 and Japanese Application 2002-372,005 in order to perfect priority. Each of these applications were filed on December 24, 2002, before Kitano was published on May 30, 2003. Accordingly, Applicant respectfully submits Kitano is also removed as prior art under 35 U.S.C. § 102(a).

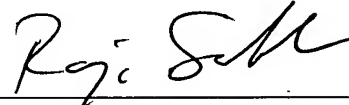
Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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